



Application No. 10/652,924
Response to Office Action

Customer No. 01933

Attorney Docket No. 03496/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): H. KOYOMA et al

Serial No. : 10/652,924

Filed : August 28, 2003

For : PRINTER UNIT

Art Unit :

Examiner :

**PETITION UNDER 37 CFR 1.182
SUBMITTING OMITTED ITEM AND
REQUESTING ORIGINAL FILING DATE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

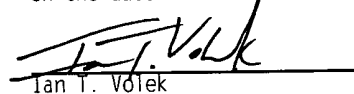
This Petition under 37 CFR 1.812 is responsive to the NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION dated July 12, 2004, a copy of which is submitted herewith as required by the NOTICE.

Submitted herewith is omitted Fig. 8 for inclusion in the originally filed application.

It is respectfully submitted that the submission of Fig. 8 does not constitute a submission of new matter and that the present application (including Fig. 8) is entitled to the original filing date of August 28, 2003 because Fig. 8 submitted

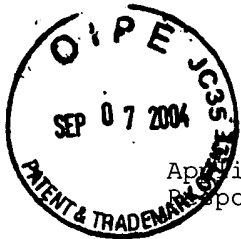
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date noted below.


Ian T. Volek

Dated: August 31, 2004

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not authorized by any Form PTO-2038 which may be attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.



Application No. 10/652,924
Response to Office Action

Customer No. 01933

herewith is identical to Fig. 8 of the priority application JP 2002-251232, which is identified and incorporated by reference on page 1, lines 4-6 of the present specification (see the attached copy of Fig. 8 of JP 2002-251232). A certified copy of JP 2002-251232 was filed in the USPTO on August 28, 2003.

As explained in MPEP 608.01(p)(I)(B):

As a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application. See MPEP § 201.06(c) where domestic benefit is claimed. See MPEP § 201.13 where foreign priority is claimed. The inclusion of such an incorporation by reference statement in the later-filed application will permit applicant to include subject matter from the prior application into the later-filed application without the subject matter being considered as new matter (emphasis added).

Therefore, it is respectfully requested that Fig. 8 submitted herewith be added to the application, and it is respectfully requested that the application (including Fig. 8) be accorded its original filing date of August 28, 2003.

It is respectfully requested that this Petition for inclusion of Fig. 8 in the originally filed application and for the according of a filing date of August 28, 2003 for the complete application, be granted.

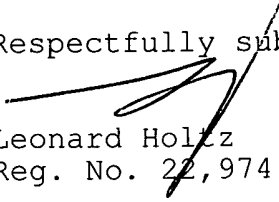
A Form PTO-2038 is attached hereto to cover the USPTO petition fee of \$130.00. If it is determined that no fee is

Application No. 10/652,924
Response to Office Action

Customer No. 01933

required, it is respectfully requested that this payment be
credited to Deposit Account No. 06-1378.

Respectfully submitted,



Leonard Holtz
Reg. No. 22,974

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

LH:iv
encs.